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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,924	04/14/2004	Greg Arnold Buchanan	THOLAM P175USD1	5292
20210	7590	04/12/2005	EXAMINER	
DAVIS & BUJOLD, P.L.L.C. FOURTH FLOOR 500 N. COMMERCIAL STREET MANCHESTER, NH 03101-1151			ALIE, GHASSEM	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/823,924	Applicant(s) BUCHANAN ET AL	
	Examiner Ghassem Alie	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.  
2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 3-7 is/are pending in the application.  
4a) Of the above claim(s) 3 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 4-7 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/14/04&amp;08/20/04</u> . | 6) <input type="checkbox"/> Other: _____  |

***Election/Restrictions***

1. Applicant's election of invention in Group II (claims 4-7) on 03/10/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claim 3 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim.

***Drawings***

3. The drawings are objected to because a line in Figs. 1, 3, and 4 does not have a reference number. The line intersects the alignment plane 24 and is located near pivoting axis 36. See Figs. 1, 3, and 5 of the drawings. There is also a circle in Fig. 2 located near the saw 16 which also does not have a reference number.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top

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margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

4. Claim 7 is objected to because of the following informalities: "a plurality of guides should read --said plurality of guides-- has a handle--. See claim 7, line 2. Appropriate correction is required.

### ***Double Patenting***

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969). A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b). Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).
6. Claim 4 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2 and 3 of U.S. Patent No. 6,755,102. Although the conflicting claims are not identical, they are not patentably distinct from the patent claims because all of the limitations in claim 4 can be found in claims 2 and 3 of the patent. Claim 4 of the instant application recites, "a table supporting the guide

assembly, the table having a single pivot axis spaced from and extending substantially perpendicular to an arbor plane". Claim 3 in the patent recite a support for guide assembly, the support having a single pivot axis which is spaced from and extends substantially normal to the rotational axis of the arbor." It should be noted that claims 2 and 3 of the patent claims do not explicitly set forth that the support for the guide assembly is a table support as set forth in claim 4 of the instant application. However, the support for the rigid guide assembly has a vertical pivot axis that intersects with the alignment plane of the leading edge of the blades. Therefore, there is a distance between the surface of the support which supports the guide assembly and the pivot axis of the support. This distance is indicative that the support a flat width that can be considered as a table.

To the degree that it could be argued that the support as set forth in claims 2 and 3 of U.S. Patent No. 6,755,102 is not a table support the rejection of claim 4 is applied below.

7. Claim 4-7 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2 and 3 of U.S. Patent No. 6,755,102 to Buchanan et al., hereinafter Buchanan, in view of Dutina (4,599,929). Regarding claim 4, Buchanan in claims 2 and 3 teaches everything in claim 4 except that the support of the guide assembly is a table. However, the use of table for supporting a guide in apparatus for steering saw blades is well known ion the as such as taught by Dutina. Dutina teaches an apparatus for steering saw blades including a support table 13' for supporting a rigid guide assembly having a plurality of guides 9. See Figs. 17 and col. 5, lines 35-68 in Dutina. It would have been obvious to a person of ordinary skill in the art to provide Buchanan's steering saw apparatus with the table support as taught by Dutina in order to increase the surface area of the support

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and prevent the guides from vertical movements.

Regarding Claim 5, Buchanan as modified above teaches everything noted above including that supporting table 13' moves back and forth in the direction parallel to the rotational axis of an arbor 6. See Figs. 1-7 in Dutina. Buchanan as modified above does not expressly teach that a first drive moves the supporting table back and forth. However, it would have been obvious to a person of ordinary skill in the art to provide a drive means for moving the supporting table back and forth, since the use of drive means for moving a support table back and forth is old and well known in the art.

Regarding claim 6, Buchanan as modified above teaches everything noted above including that supporting table 13' rotate about a pivot axis 19. See Figs. 1-7 in See Figs. 1-7 in Dutina. Buchanan as modified above does not expressly teach that a second drive rotates the supporting table and limits the rotation of the supporting table. However, it would have been obvious to a person of ordinary skill in the art to provide Buchanan's support table, as modified by Dutina with a second drive for rotating the supporting table, since the use of drive means for rotating the supporting table is old and well known in the art.

Regarding claim 7, Buchanan as modified above teaches everything noted above including that the guide assembly 9 includes a pair of spaced apart guide rails 13 and a plurality of guides 9' are mounted on two guide rails 13. See Figs. 1-7 in Dutina.

8. Claim 4-6 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2 and 3 of U.S. Patent No. 6,755,102 to Buchanan et al., hereinafter Buchanan, in view of McGehee (5,761,979). Regarding claim 4, Buchanan in claims 2 and 3 teaches everything in claim 4 except that the support of the guide

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assembly is a table. However, the use of table for supporting a guide in apparatus for steering saw blades is well known ion the as such as taught by McGehee. McGehee teaches an apparatus for steering saw blades including a support table 166 for supporting a rigid guide 80 assembly having a plurality of guides. The table is defined by a plurality of shift shafts 166 that closely spaced from one another. See Figs. 7-11 and col. 4, lines 6-67 in McGehee. It would have been obvious to a person of ordinary skill in the art to provide Buchanan's steering saw apparatus with the table support as taught by McGehee in order to increase the surface area of the support and prevent the guides form vertical movements.

Regarding Claim 5, Buchanan as modified above teaches everything noted above including that supporting table 166 moves back and forth in the direction parallel to the rotational axis of an arbor 74 by a first drive means 136. See Figs. 7-11 in McGehee.

Regarding claim 6, Buchanan as modified above teaches everything noted above including that supporting table 166 rotate about a pivot axis by a second drive means 144. See Figs. 7-11 in McGehee.

### ***Comments***

9. It is noted that claims 4-7 have not been rejected over prior art, because prior art fails to teach that the single pivot axis intersecting the alignment plane such that the leading edge of each of the plurality of saw blades remains positioned along the alignment plane as set forth in claim 4. However, in view of the nonstatutory double patenting rejection of claims 4-7, each the allowability of the subject matter cannot be indicated at this time.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to

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applicant's disclosure.

McGeehee (4,635,513) and Wright (3,580,305) teach a steering saw blades apparatus.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501.


The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).

GA/ga

April 7, 2005

  
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Group 3700